

SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISIONPHILLIP GARGAN and
DENISE THOMAS,*
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Plaintiffs,

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CIVIL ACTION NO.

VS.

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FLASH FOODS, INC.,

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Defendant.

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*COMPLAINT

COME NOW the Plaintiffs, PHILLIP GARGAN and DENISE THOMAS, who bring this action to recover unpaid overtime compensation due them, and other similarly situated persons, under the Fair Labor Standards Act of 1938, as amended, and show the Court as follows, to-wit:

1. Jurisdiction of this action is conferred upon the Court by Section 16(b) of the Fair Labor Standards Act, as well as by 28 USC § 1337.

2. The Defendant, FLASH FOODS, INC., is a Corporation with places of business in Camden County, Georgia, where the Plaintiffs were employed.

3. The Defendant was, at all times mentioned herein, an enterprise engaged in commerce, as defined in the Fair Labor Standards Act.

4. The Plaintiffs are residents of the State of Georgia, who were employed by FLASH FOODS, INC.

5. During the time that the Plaintiffs were employed by the Defendant, the Plaintiffs worked a substantial amount of overtime, for which the Plaintiffs

Fair Labor Standards Act.

6. Accordingly, the Plaintiffs should have been paid the regular hourly rate for all of such hours, plus an overtime premium of one-half of the hourly rate for each hour worked in excess of forty hours in any given week.

7. The Defendant has failed to pay the Plaintiffs overtime compensation as required by law, and has failed and refused to pay the Plaintiffs overtime as required by law after receiving the Plaintiffs' demand for said payment.

8. Because the Defendant has not acted in good faith, the Plaintiffs are entitled to recover as liquidated damages an amount equal to the total amount of unpaid wages and overtime which the Defendant owes the Plaintiffs for all weeks during which the Plaintiffs worked for the Defendant.

9. It has been necessary for the Plaintiffs to have the services of an attorney to institute and prosecute this action against the Defendant, and the Plaintiffs have employed the attorney now appearing herein on their behalf. The Plaintiffs will be required to expend reasonable attorney's fees for said attorney in the interest of this action, and to expend other costs and expenditures necessarily incurred, and the Plaintiffs have agreed to pay said attorney for his services herein.

Plaintiffs' reasonable attorney's fees and the other costs, all is authorized by the Fair Labor Standard Act.

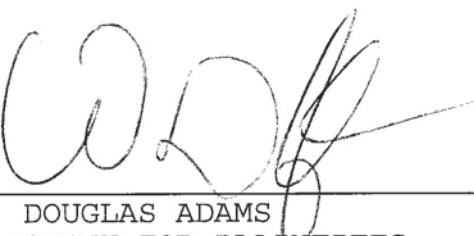
Wherefore, the Plaintiffs pray:

A. That the Defendant's agent be served with a summons and copy of this Complaint, requiring the Defendant to answer said Complaint;

B. That the Plaintiffs and all other similarly situated persons have and recover from the Defendant all unpaid wages and overtime, along with liquidated damages, all as provided by the Fair Labor Standard Act and the laws of the State of Georgia, as well as their reasonable attorney's fees;

C. That the Plaintiffs have a trial by jury; and

D. For such other and further relief as to the Court may seem just and proper.



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